

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JUNE 8, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of June 8, 2004, was called to order by Mayor Hansen at 7:04 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

URGENCY CLOSED SESSION ITEM ADDED TO THE AGENDA

Pursuant to Government Code §54954.2(b)2, the legislative body may take action on items of business not appearing on the posted agenda upon a determination by a two-thirds vote that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted. Prior to discussion, City Manager Flynn publicly identified the item below:

- Request to declare June 11, 2004 as a day of remembrance for former President Reagan

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Hansen second, unanimously determined that there was a need to take immediate action on the above item and that the need for action came to the attention of the City subsequent to the June 8, 2004 agenda being posted.

DISCUSSION:

City Manager Flynn reported that a declaration by the Governor's Office was received late yesterday afternoon designating Friday, June 11, 2004, as a day of remembrance for former President Reagan who passed away on June 5. He suggested that Council also allow the City to recognize Friday as a day of remembrance and that the City organize a memorial service to be held at the Veterans' Plaza. He read Governor Schwarzenegger's declaration:

By virtue of the power vested in me by law I do hereby declare Friday, June 11, 2004, a day of remembrance of the extraordinary life of President Reagan; and permit state executive branch employees to observe this day in an appropriate way of their choosing; I have authorized executive branch employees eight hours of informal time off, June 11, 2004, consistent with the Government Code except for a core number of employees who are required to respond to emergencies and maintain necessary services to the public; employees who are required to work on this day will receive eight hours of informal time off to be taken at a later date.

Council Member Hitchcock asked whether there would be a cost to the City, other than services not being provided to the public on Friday.

Mr. Flynn acknowledged that there would be lost opportunity in terms of providing services that day; however, emergency personnel would work as normally required. He confirmed that the City would not be paying overtime to employees scheduled to work on Friday, June 11.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, unanimously declared June 11, 2004, as a day of remembrance for former President Reagan and directed City Manager Flynn to arrange for a memorial service to be held at the All Veterans Plaza.

PUBLIC COMMENTS:

- Myrna Wetzel suggested that a guest book be available for the public to sign at the ceremony on June 11, to which Council agreed.

URGENCY CLOSED SESSION ITEM ADDED TO THE AGENDA

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- Request for direction related to processing the Large-Scale Retail Initiative Petition submitted on June 7, 2004

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously determined that there was a need to take immediate action on the above item and that the need for action came to the attention of the City subsequent to the June 8, 2004, agenda being posted.

DISCUSSION:

City Clerk Blackston reported that the petition for the Large-Scale Retail initiative was filed on June 7 at 10:00 a.m. The prima facie check had been completed and it appeared that there were 3,450 signatures on the petition. She explained that the Elections Code allows for the County Registrar of Voters to conduct a random sampling verification process, wherein a certain number of signatures are selected to verify. If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Registrar must verify each signature filed; otherwise, certification of sufficiency would be made upon the random sampling results only. Ms. Blackston noted that Council does have an option to direct the Registrar to verify every signature initially, rather than allowing the random sampling process to go forward. She reported that the petition would be delivered to the Registrar this morning and asked Council for direction.

Mayor Pro Tempore Beckman asked whether a greater delay would be caused if the Registrar conducted the random sampling process and then discovered that every signature needed to be verified.

Ms. Blackston replied that the delay would not be a significant amount of time.

Council Member Land stated that he did not want to put the Small City Preservation Committee through a more stringent process than what is normally done.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Land second, unanimously directed the San Joaquin County Registrar of Voters to implement the random sampling process on the Large-Scale Retail Initiative petition.

B. CLOSED SESSION

At 7:15 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- B-1 Actual Litigation: Government Code §54956.9(a); one case; *People v. Randtron* (Third District Court of Appeal, docket No. 3 Civ. C037445)
- B-2 Actual Litigation: Government Code §54956.9(a); one case; *People v. Randtron* (Third District Court of Appeal, docket No. 3 Civ. C038921)
- B-3 Actual Litigation: Government Code §54956.9(a); one case; *City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association*, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

The Closed Session adjourned at 7:50 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:50 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed the following.

In regard to Items B-1 and B-2, the Council voted 5-0 to reconsider its decision made last week to file an appeal in the Randtron case; further Council voted 5-0 *not* to pursue an appeal in the case.

In regard to Item B-3, no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:50 a.m.

ATTEST:

Susan J. Blackston
City Clerk